

Application No. 10/675,577
Amendment dated February 15, 2007
In Response to the Office Action Mailed August 15, 2006
Page 10 of 12

REMARKS

This amendment is submitted in response to the Office Action mailed August 15, 2006. The abstract was objected to for exceeding 150 words. An amended abstract overcomes this objection. Claims 50-91 have been canceled without prejudice to filing a divisional application containing the same claims. Claims 1 and 27 are amended. Support for the amendment is found in the specification at least at paragraphs 0028 and 0033. No new matter is added.

Double Patenting Rejection

Claims 50-91 were provisionally rejected on the ground of non-statutory obviousness-type double patenting over claims 1-32 of copending Application No. 10/674,099 in view of Liu et al. As these claims have been canceled without prejudice to filing a divisional application, this rejection is moot and should be withdrawn.

Rejections Under 35 USC § 103

1. Claims 1-26 were rejected as being unpatentable over the combination of Jakob et al. (US 5,101,839) in view of Liu et al. (Beitrage zur Tabakforschung International, 2003, Vol. 20, No. 5, pp 341-47.), Borowski et al. (US 4,874,004) and Clearman et al. (US 5,033,483) and further in view of Brackman et al.(US 4,716,913).

This rejection is overcome by the present amendment. Claim 1 has been amended to recite that "the second burn suppressing agent is present in an amount and of a type to

provide a degree of burn suppression in the outer portion higher than a degree of burn suppression in the core portion.” The cited references fail to teach or suggest this limitation. The office action at page 8 states that “Brackmann et al also teaches that it is well known that a substantial portion of the smoke entering a smoker’s mouth results from burning of material in the peripheral regions of the cigarette.” In contrast to this teaching, the claim recites that the outer portion has a higher degree of burn suppression. None of the other references relied upon for the rejection suggests a modification of this combination of references to achieve the claimed invention. Accordingly, applicants submit that independent claim 1 and its dependent claims 2-26 are patentable and the rejection should be withdrawn.

2. Claims 27-49 were rejected as being unpatentable over the combination of Jakob et al. (US 5,101,839) in view of Liu et al. (Beitrage zur Tabakforschung International, 2003, Vol. 20, No. 5, pp 341-47.), Borowski et al. (US 4,874,004) and Clearman et al. (US 5,033,483) and further in view of Muller et al.(US 6,257,243).

This rejection is overcome by the present amendment. Claim 27 has been amended to recite that “the first burn suppressing agent is present in an amount and of a type to provide a degree of burn suppression in the outer portion higher than a degree of burn suppression in the core portion.” The rejection fails to note any teaching in the art of a different degree of burn suppression in an outer portion or a core portion of a cigarette rod as claimed. The cited references taken alone or taken in combination fail to teach or suggest this limitation. Accordingly, applicants submit that independent claim 27 and its dependent claims 28-49 are patentable and the rejection should be withdrawn.

Application No. 10/675,577
Amendment dated February 15, 2007
In Response to the Office Action Mailed August 15, 2006
Page 12 of 12

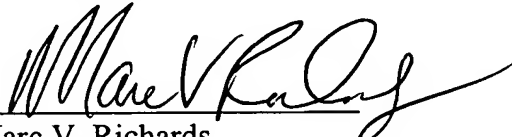
3. Claims 50-91 were rejected as being unpatentable under 35 USC 103. As these claims have been canceled without prejudice to filing a divisional application, this rejection is moot and should be withdrawn.

Conclusion

Based on the above amendments and remarks, the Applicant submits that the claims are in condition for allowance. The examiner is kindly invited to contact the undersigned attorney to expedite allowance.

Respectfully submitted,

Date: February 15, 2007



Marc V. Richards
Registration No. 37,921
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610
(312) 321-4200